

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHEN MICHAEL GREGORY,
Plaintiff

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No. 1:17-cv-00504

(Judge Kane)
(Magistrate Judge Mehalchick)

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,¹
Defendant

ORDER

Before the Court is the February 13, 2018 Report and Recommendation of Magistrate Judge Mehalchick, recommending that the Commissioner's decision denying Plaintiff Stephen Michael Gregory's claims for disability insurance benefits and supplemental security income under the Social Security Act be vacated, and that the case be remanded to the Commissioner to conduct a new administrative hearing. No timely objections have been filed.²

ACCORDINGLY, on this 30th day of March 2018, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation of Magistrate Judge Mehalchick (Doc. No. 20);
2. The Commissioner's decision denying Plaintiff Stephen Michael Gregory's claims for disability insurance benefits and supplemental security income is **VACATED** and the case is **REMANDED** to the Commissioner to conduct a new administrative hearing; and

¹ The Court notes that since the institution of this action, Carolyn W. Colvin has been succeeded as Acting Commissioner of the Social Security Administration by Nancy A. Berryhill. Pursuant to Federal Rule of Civil Procedure 25(d), a public officer's successor is automatically substituted as a party in an action brought against the public officer in an official capacity.

² In a letter to the Court dated February 27, 2018, Defendant "waive[d] the opportunity to object to the Report and Recommendation." (Doc. No. 21.)

3. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane

Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania